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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,095	10/25/2000	Mitsuharu Kamiya	00754/LH	3189

1933 7590 08/02/2004

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
767 THIRD AVENUE
25TH FLOOR
NEW YORK, NY 10017-2023

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/696,095

Applicant(s)

KAMIYA, MITSU HARU

Examiner

John L Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

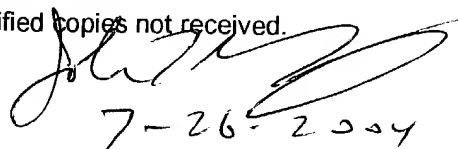
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER


7-26-2004

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

NON-FINAL REJECTION

(Paper#7/26/2004)

DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

STATUS

2. Claims 1-39 cancelled by Applicant.
3. Claims 40-47 added.
4. Claims 40-47 are pending.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between

the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 40-47 are rejected under 35 U.S.C. §103(a) as being obvious over Zingher US 5,813,348 class 101/494 (09/29/1998) [US f/d: 6/17/1996] (herein referred to as "Zingher").

As per claim 1, Zingher (FIG. 2; the ABSTRACT, col. 1, ll. 33-55; col. 2, ll. 45-67; col. 4, ll. 1-25; col. 4, ll. 59-67; col. 5, ll. 1-10; col. 5, ll. 13-32; col. 6, ll. 10-67; and col. 7, ll. 10-30; and whole document) shows: "A printing information distributing apparatus comprising: printing information storage means for storing a plurality of printing information; printing reservation means, connected to a first network connectable to a plurality of portable terminals carried by a plurality of users, for transmitting a printing reservation screen image to reserve printing information to a portable terminal, and generating reservation information showing printing information reserved by the portable terminal and corresponding to identification information transmitted from the portable terminal; reservation information storage means for storing reservation information generated by the printing reservation means; receiving means,

connected to a second network connectable to a plurality of output devices located at different places, for receiving identification information input by an output device and transmitted from the output; reading means for retrieving the reservation information storage means based on the identification information received by the receiving means, and reading the reservation information corresponding to the identification information from the reservation information storage means; and transmitting means, connected to the second network, for reading from the printing information storage means the printing information corresponding to the reservation information read from the reading means, and printing out the printing information by transmitting the printing information to the output device.”

Zingher (col. 7, ll. 10-30) discloses: “*print job scheduling information. . .*” In this case, the Examiner interprets this disclosure as showing “printing reservation means . . . a printing reservation screen image to reserve printing information to a portable terminal, and generating reservation information showing printing information reserved by the portable terminal and corresponding to identification information transmitted from the portable terminal; reservation information storage means for storing reservation information generated by the printing reservation means. . . .”

Zingher lacks an explicit recitation of “printing reservation means . . . a printing reservation screen image to reserve printing information to a portable terminal, and generating reservation information showing printing information

reserved by the portable terminal and corresponding to identification information transmitted from the portable terminal; reservation information storage means for storing reservation information generated by the printing reservation means. . . .” even though Zingher (col. 5, ll. 1-10; col. 5, ll. 13-32; col. 6, ll. 10-67; and col. 7, ll. 10-30; and whole document) implicitly shows same.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Zingher (FIG. 2; the ABSTRACT; col. 1, ll. 33-55; col. 2, ll. 45-67; col. 4, ll. 1-25; col. 4, ll. 59-67; col. 5, ll. 1-10; col. 5, ll. 13-32; col. 6, ll. 10-67; and col. 7, ll. 10-30; and whole document) implicitly shows “printing reservation means . . . a printing reservation screen image to reserve printing information to a portable terminal, and generating reservation information showing printing information reserved by the portable terminal and corresponding to identification information transmitted from the portable terminal; reservation information storage means for storing reservation information generated by the printing reservation means. . . .” and it would have been obvious to modify and interpret the disclosure of Zingher cited above as showing “printing reservation means . . . a printing reservation screen image to reserve printing information to a portable terminal, and generating reservation information showing printing information reserved by the portable terminal and corresponding to identification information transmitted from the portable terminal; reservation information

storage means for storing reservation information generated by the printing reservation means. . . .” because modification and interpretation of the cited disclosure of Zingher would have “[allocated] print job requests received from world-wide printing customers in a manner such that the costs . . . in the production of printed products are minimized and the utilization of a plurality [of] printing . . . [locations] throughout the world is optimized. . . .” (see Zingher col. 2, ll. 30-40)), based on the motivation to modify Zingher so as to provide “a print job allocation system in which printing . . . customers . . . located throughout the world are connected to each other via a network that receives print job requests and dispatches the print job requests to one or more of the connected printing plants.” (See Zingher (col. 2, ll. 22-3)).

As per claims 41-46, Zingher shows the system of claim 40.

Zingher (FIG. 2; the ABSTRACT; col. 1, ll. 33-55; col. 2, ll. 45-67; col. 4, ll. 1-25; col. 4, ll. 59-67; col. 5, ll. 1-10; col. 5, ll. 13-32; col. 6, ll. 10-67; and col. 7, ll. 10-30; and whole document) implicitly shows the elements and limitations of claims 41-46.

Zingher lacks explicit recitation of some of the elements of claims 41-46, even though Zingher implicitly shows same.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Zingher cited above implicitly shows the elements and limitations of claims 41-46 and it would have

been obvious to modify and interpret the disclosure of Zingher cited above as showing the limitations of claims 41-46 because modification and interpretation of the cited disclosure of Zingher would have “[*allocated*] print job requests received from world-wide printing customers in a manner such that the costs . . . in the production of printed products are minimized and the utilization of a plurality [of] printing . . . [locations] throughout the world is optimized. . . .” (see Zingher col. 2, ll. 30-40)), based on the motivation to modify Zingher so as to provide “a print job allocation system in which printing . . . customers . . . located throughout the world are connected to each other via a network that receives print job requests and dispatches the print job requests to one or more of the connected printing plants.” (See Zingher (col. 2, ll. 22-3)).

Independent claim 47 is rejected for substantially the same reasons as independent claim 40.

RESPONSE TO ARGUMENTS

6. Applicant’s arguments are moot pursuant to new grounds of rejection based on Applicant’s amendment.

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(Kamiya)

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CONCLUSION

7. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:
(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

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(Kamiya)

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(703) 305-7687 (for formal communications marked AFTER-FINAL) or
(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

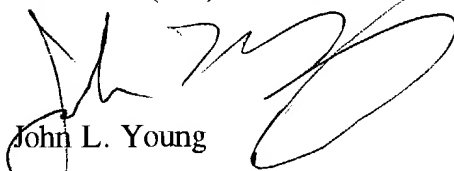
Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young
Patent Examiner

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

July 26, 2004